

BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**BEVERLY DENISE THOMAS-MARSH
6700 INDIANA AVENUE, SUITE 165
RIVERSIDE, CA 92506**

**Licensed Marriage and Family Therapist
License No. LMFT 91502**

Respondent.

Case No. 2002023000965

**STIPULATED SURRENDER OF LICENSE
AND ORDER**

DECISION AND ORDER

Based on Condition 17 of the attached Decision and Order in the Matter of the Accusation Against Beverly Denise Thomas-Marsh, Case No. 2002018002087, the Board formally accepts Respondent's request to surrender her Licensed Marriage and Family Therapist License No. LMFT 91502 and accepts her tendered license.

1. The surrender of Respondent's Licensed Marriage and Family Therapist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent and shall become a part of Respondent's license history with the Board of Behavioral Sciences.

2. Respondent shall lose all rights and privileges as a Licensed Marriage and Family Therapist License in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her wall license and current renewal certificate on or before the effective date of the Decision and Order.

4. Respondent shall not apply to the Board for registration or licensure for three (3) years from the effective date of the Board's Decision and Order.

5. If Respondent applies for any registration or license issued by the Board or any other healthcare licensing agency in the State of California, all of the charges alleged in Accusation Case No. 2002018002087 (OAH No. 2019121084) shall be deemed true, correct and admitted by Respondent for the purpose of any Statement of Issues or other proceeding seeking to deny such application.

6. The Board's adoption of her license surrender precludes Respondent from petitioning the Board for reinstatement of the surrendered license.

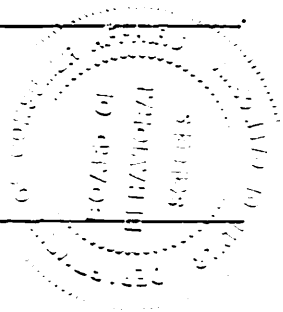
7. Should Respondent at any time after this surrender reapply to the Board for registration or licensure, she must meet all current requirements including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

This Decision shall become effective on January 5, 2023.

It is so ORDERED December 6, 2022.

Steve Sodergren

STEVE SODERGREN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California



**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

BEVERLY DENISE THOMAS-MARSH
6700 Indiana Avenue, Ste. 165
Riverside, CA 92506

**Licensed Marriage and Family Therapist
License No. LMFT 91502**

Respondent.

Case No. 2002018002087

OAH No. 2019121084

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 26, 2021.

It is so ORDERED March 26, 2021



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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Supervising Deputy Attorney General
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8

9 **BEFORE THE**
10 **BOARD OF BEHAVIORAL SCIENCES**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:
15 **BEVERLY DENISE THOMAS-MARSH**
6700 Indiana Avenue, Ste. 165
16 **Riverside, CA 92506**
17 **Licensed Marriage and Family Therapist**
License No. LMFT 91502
18
19 Respondent.

Case No. 2002018002087

OAH No. 2019121084

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral
24 Sciences (Board). She brought this action solely in her official capacity and is represented in this
25 matter by Xavier Becerra, Attorney General of the State of California, by Tory Polin, Deputy
26 Attorney General.

27 ///

28 ///

1 **CULPABILITY**

2 9. Respondent understands and agrees the charge and allegation in Accusation No.
3 2002018002087, if proven at hearing, constitute cause of imposing discipline upon her Licensed
4 Marriage and Family Therapist License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest
8 those charges.

9 11. Respondent agrees that her Licensed Marriage and Family Therapist License is
10 subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in
11 the Disciplinary Order below.

12 **CONTINGENCY**

13 12. This stipulation shall be subject to approval by the Board of Behavioral Sciences.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
15 Behavioral Sciences may communicate directly with the Board regarding this stipulation and
16 settlement, without notice to or participation by Respondent or her counsel. By signing the
17 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
18 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
19 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
20 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
21 action between the parties, and the Board shall not be disqualified from further action by having
22 considered this matter.

23 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
25 signatures thereto, shall have the same force and effect as the originals.

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Licensed Marriage and Family Therapist License No.
9 LMFT 91502 issued to Beverly Denise Thomas-Marsh (Respondent) is revoked. The revocation
10 is stayed and Respondent is placed on five (5) years probation with the following terms and
11 conditions. Probation shall continue on the same terms and conditions if Respondent is granted
12 another registration or license regulated by the Board.

13 **1. Psychological / Psychiatric Evaluation**

14 Within 90 days of the effective date of this Decision, and on a periodic basis thereafter as
15 may be required by the Board or its designee, Respondent shall complete a psychological or
16 psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the
17 Board. The cost of such evaluation shall be borne by Respondent. Failure to pay for the report in
18 a timely fashion constitutes a violation of probation.

19 Such evaluator shall furnish a written report to the Board or its designee regarding
20 Respondent's judgment and ability to function independently and safely as a counselor and such
21 other information as the Board may require. Respondent shall execute a Release of Information
22 authorizing the evaluator to release all information to the Board. Respondent shall comply with
23 the recommendations of the evaluator.

24 If a psychological or psychiatric evaluation indicates a need for supervised practice, (within
25 30 days of notification by the Board), Respondent shall submit to the Board or its designee, for its
26 prior approval, the name and qualification of one or more proposed supervisors and a plan by
27 each supervisor by which Respondent's practice will be supervised.

28 If Respondent is determined to be unable to practice independently and safely, upon

1 notification, Respondent shall immediately cease practice and shall not resume practice until
2 notified by the Board or its designee. Respondent shall not engage in any practice for which a
3 license issued by the Board is required, until the Board or its designee has notified Respondent of
4 its determination that Respondent may resume practice.

5 2. **Psychotherapy**

6 Respondent shall participate in ongoing psychotherapy with a California licensed mental
7 health professional who has been approved by the Board. Within 15 days of the effective date of
8 this Decision, Respondent shall submit to the Board or its designee for its prior approval the name
9 and qualifications of one or more therapists of Respondent's choice. Such therapist shall possess
10 a valid California license to practice and shall have had no prior business, professional, or
11 personal relationship with Respondent, and shall not be Respondent's supervisor. Counseling
12 shall be at least once a week unless otherwise determined by the Board. Respondent shall
13 continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by
14 Respondent.

15 Respondent may, after receiving the Board's written permission, receive therapy via
16 videoconferencing if Respondent's good faith attempts to secure face-to-face counseling are
17 unsuccessful due to the unavailability of qualified mental health care professionals in the area.
18 The Board may require that Respondent provide written documentation of her good faith attempts
19 to secure counseling via videoconferencing.

20 Respondent shall provide the therapist with a copy of the Board's Decision no later than the
21 first counseling session. Upon approval by the Board, Respondent shall undergo and continue
22 treatment until the Board or its designee determines that no further psychotherapy is necessary.

23 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits
24 quarterly written reports to the Board concerning Respondent's fitness to practice, progress in
25 treatment, and to provide such other information as may be required by the Board. Respondent
26 shall execute a Release of Information authorizing the therapist to divulge information to the
27 Board.

28 If the treating psychotherapist finds that Respondent cannot practice safely or

1 independently, the psychotherapist shall notify the Board within three (3) working days. Upon
2 notification by the Board, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board or its designee that Respondent may do so. Respondent shall
4 not thereafter engage in any practice for which a license issued by the Board is required until the
5 Board or its designee has notified Respondent that she may resume practice. Respondent shall
6 document compliance with this condition in the manner required by the Board.

7 **3. Take and Pass Licensure Examinations**

8 Respondent shall take and pass the licensure exam(s) currently required of new applicants
9 for the license possessed by Respondent. Respondent shall pay the established examination fees.
10 If Respondent has not taken and passed the examination within 18 months from the effective date
11 of this Decision, Respondent shall be considered to be in violation of probation.

12 **4. Law and Ethics Course**

13 Respondent shall take and successfully complete the equivalency of two semester units in
14 law and ethics. Course work shall be taken at the graduate level at an accredited or approved
15 educational institution that offers a qualifying degree for licensure as a marriage and family
16 therapist, clinical social worker, educational psychologist, professional clinical counselor as
17 defined in Sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes
18 and Section 1854 of Title 16 of the California Code of Regulations or through a course approved
19 by the Board. Classroom attendance must be specifically required. Within 90 days of the effective
20 date of this Decision, Respondent shall submit a plan for prior Board approval for meeting this
21 educational requirement. Said course must be taken and completed within 18 months (or as
22 approved by the Board) from the effective date of this Decision. The costs associated with the
23 law and ethics course shall be paid by Respondent. Units obtained for an approved course in law
24 and ethics shall not be used for continuing education units required for renewal of licensure.

25 **5. Supervised Practice**

26 Within 30 days of the effective date of this decision, respondent shall submit to the Board
27 or its designee, for its prior approval, the name and qualification of one or more proposed
28 supervisors and a plan by each supervisor. The supervisor shall be a current California licensed

1 practitioner in respondent's field of practice, who shall submit written reports to the Board or its
2 designee on a quarterly basis verifying that supervision has taken place as required and including
3 an evaluation of respondent's performance. The supervisor shall be independent, with no prior
4 business, professional or personal relationship with respondent.

5 If respondent is unable to secure a supervisor in her field of practice due to the
6 unavailability of mental health care professionals in the area, then the Board may consider the
7 following options for satisfying this probationary term:

8 (1) Permitting Respondent to receive supervision via videoconferencing; or,

9 (2) Permitting Respondent to secure a supervisor not in Respondent's field of
10 practice.

11 The forgoing options shall be considered and exhausted by the Board in the order listed
12 above. The Board may require that respondent provide written documentation of her good faith
13 attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a
14 mental health professional that is licensed in Respondent's field of practice.

15 Respondent shall complete any required consent forms and sign an agreement with the
16 supervisor and the Board regarding Respondent and the supervisor's requirements and reporting
17 responsibilities. Failure to file the required reports in a timely fashion shall be a violation of
18 probation. Respondent shall give the supervisor access to respondent's fiscal and client records.
19 Supervision obtained from a probation supervisor shall not be used as experience gained toward
20 licensure.

21 If the supervisor is no longer available, respondent shall notify the Board within 15 days
22 and shall not practice until a new supervisor has been approved by the Board. All costs of the
23 supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per
24 week in individual face to face meetings. The supervisor shall not be Respondent's therapist.

25 6. Obey All Laws

26 Respondent shall obey all federal, state and local laws, all statutes and regulations
27 governing the licensee, and remain in full compliance with any court ordered criminal probation,
28 payments and other Orders. A full and detailed account of any and all violations of law shall be

1 reported by Respondent to the Board or its designee in writing within seventy-two (72) hours of
2 occurrence. To permit monitoring of compliance with this term, Respondent shall submit
3 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days
4 of the effective date of the Decision, unless previously submitted as part of the licensure
5 application process. Respondent shall pay the cost associated with the fingerprint process.

6 **7. File Quarterly Reports**

7 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the
8 "Quarterly Report Form" (rev. 07/2016). Respondent shall state under penalty of perjury whether
9 she has been in compliance with all the conditions of probation. Notwithstanding any provision
10 for tolling of requirements of probation, during the cessation of practice Respondent shall
11 continue to submit quarterly reports under penalty of perjury.

12 **8. Comply with Probation Program**

13 Respondent shall comply with the probation program established by the Board and
14 cooperate with representatives of the Board in its monitoring and investigation of Respondent's
15 compliance with the program.

16 **9. Interviews with the Board**

17 Respondent shall appear in person for interviews with the Board or its designee upon
18 request at various intervals and with reasonable notice.

19 **10. Failure to Practice**

20 In the event Respondent stops practicing in California, Respondent shall notify the Board or
21 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
22 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
23 Respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
24 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
25 condition, will not apply to the reduction of the probationary term and will relieve Respondent of
26 the responsibility to comply with the probationary terms and conditions with the exception of this
27 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly
28 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost

1 Recovery. The failure to practice for a total of two years shall be considered a violation of
2 probation and Respondent's license shall be subject to cancellation.

3 **11. Change of Place of Employment or Place of Residence**

4 Respondent shall notify the Board or its designee in writing within 30 days of any change
5 of place of employment or place of residence. The written notice shall include the address, the
6 telephone number and the date of the change.

7 **12. Supervision of Unlicensed Persons**

8 While on probation, Respondent shall not act as a supervisor for any hours of supervised
9 practice required for any license issued by the Board. Respondent shall terminate any such
10 supervisory relationship in existence on the effective date of this Decision.

11 **13. Notification to Clients**

12 Respondent shall notify all clients when any term or condition of probation will affect their
13 therapy or the confidentiality of their records, including but not limited to supervised practice,
14 suspension, or client population restriction. Such notification shall be signed by each client prior
15 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or
16 its designee, satisfactory evidence of compliance with this term of probation.

17 **14. Notification to Employer**

18 Respondent shall provide each of her current or future employers, when performing
19 services that fall within the scope of practice of her license, a copy of this Decision and the
20 Statement of Issues or Accusation before commencing employment. Notification to Respondent's
21 current employer shall occur no later than the effective date of the Decision or immediately upon
22 commencing employment. Respondent shall submit, upon request by the Board or its designee,
23 satisfactory evidence of compliance with this term of probation.

24 Respondent shall provide to the Board the names, physical addresses, and telephone
25 numbers of all employers, supervisors, and contractors.

26 Respondent shall complete the required consent forms and sign an agreement with the
27 employer and supervisor, or contractor, and the Board to allow the Board to communicate with
28 the employer and supervisor or contractor regarding the licensee or registrant's work status,

1 performance, and monitoring.

2 **15. Violation of Probation**

3 If Respondent violates the conditions of her probation, the Board, after giving Respondent
4 notice and the opportunity to be heard, may set aside the stay Order and impose the discipline
5 (revocation/suspension) of Respondent's license provided in the Decision.

6 If during the period of probation, an accusation, petition to revoke probation, or statement
7 of issues has been filed against Respondent's license or application for licensure, or the Attorney
8 General's office has been requested to prepare such an accusation, petition to revoke probation, or
9 statement of issues, the probation period set forth in this Decision shall be automatically extended
10 and shall not expire until the accusation, petition to revoke probation, or statement of issues has
11 been acted upon by the Board. Upon successful completion of probation, Respondent's license
12 shall be fully restored.

13 **16. Maintain Valid License**

14 Respondent shall, at all times while on probation, maintain a current and active license with
15 the Board, including any period during which suspension or probation is tolled. Should
16 Respondent's license, by operation of law or otherwise, expire, upon renewal Respondent's
17 license shall be subject to any and all terms of this probation not previously satisfied.

18 **17. License Surrender**

19 Following the effective date of this Decision, if Respondent ceases practicing due to
20 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
21 probation, Respondent may voluntarily request the surrender of her license to the Board. The
22 Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to
23 grant the request or to take any other action deemed appropriate and reasonable under the
24 circumstances. Upon formal acceptance of the surrender, Respondent shall within 30 calendar
25 days deliver Respondent's license and certificate and if applicable wall certificate to the Board or
26 its designee and Respondent shall no longer engage in any practice for which a license is
27 required. Upon formal acceptance of the tendered license, Respondent will no longer be subject
28 to the terms and conditions of probation.

1 Voluntary surrender of Respondent's license shall be considered to be a disciplinary action
2 and shall become a part of Respondent's license history with the Board. Respondent may not
3 petition the Board for reinstatement of the surrendered license. Should Respondent at any time
4 after voluntary surrender ever reapply to the Board for licensure Respondent must meet all
5 current requirements for licensure including, but not limited to, filing a current application,
6 meeting all current educational and experience requirements, and taking and passing any and all
7 examinations required of new applicants.

8 **18. Instruction of Coursework Qualifying for Continuing Education**

9 Respondent shall not be an instructor of any coursework for continuing education credit
10 required by any license issued by the Board.

11 **19. Notification to Referral Services**

12 Respondent shall immediately send a copy of this Decision to all referral services registered
13 with the Board in which Respondent is a participant. While on probation, Respondent shall send
14 a copy of this Decision to all referral services registered with the Board that Respondent seeks to
15 join.

16 **20. Reimbursement of Probation Program**

17 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
18 ensure compliance for the duration of the probation period. Reimbursement costs shall be
19 \$1,200.00 per year.

20 **21. Cost Recovery**

21 Respondent shall pay the Board \$4,348.13 for the reasonable costs of the investigation and
22 prosecution of Case No. 2002018002087. Respondent shall be permitted to pay these costs in a
23 payment plan approved by the Board. Respondent shall make the check or money Order payable
24 to the Board of Behavioral Sciences and shall indicate on the check or money Order that it is the
25 cost recovery payment for Case No. 2002018002087. Any Order for payment of cost recovery
26 shall remain in effect whether or not probation is tolled. Probation shall not terminate until full
27 payment has been made. Should any part of cost recovery not be paid in accordance with the
28 outlined payment schedule, Respondent shall be considered to be in violation of probation. A

1 period of non-practice by Respondent shall not relieve Respondent of her obligation to reimburse
2 the Board for its costs.

3 Cost recovery must be completed six months prior to the termination of probation. A
4 payment plan authorized by the Board may be extended at the discretion of the Enforcement
5 Manager based on good cause shown by the probationer.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, John D. Bishop, Esq. I understand the stipulation and the effect it
9 will have on my Licensed Marriage and Family Therapist License. I enter into this Stipulated
10 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
11 bound by the Decision and Order of the Board of Behavioral Sciences.

12
13 DATED: 2/16/2021

DocuSigned by:

Beverly Thomas-Marsh

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BEVERLY DENISE THOMAS-MARSH

Respondent

15 I have read and fully discussed with Respondent Beverly Denise Thomas-Marsh the terms
16 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
17 Order. I approve its form and content.

18 DATED: 2/17/2021

DocuSigned by:

John Bishop

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JOHN D. BISHOP, ESQ.

Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences.

DATED: 02/26/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

Tory Polin

TORY POLIN
Deputy Attorney General
Attorneys for Complainant

SD2019701781

Exhibit A

Accusation No. 2002018002087

1 XAVIER BECERRA
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 2002018002087

14 **BEVERLY DENISE THOMAS-MARSH**
15 **6700 Indiana Avenue, Ste. 165**
Riverside, CA 92506

ACCUSATION

16 **Licensed Marriage and Family Therapist**
17 **License No. LMFT 91502**

18 **Respondent.**

19
20 **PARTIES**

21 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as
22 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

23 2. On or about January 14, 2016, the Board of Behavioral Sciences issued Licensed
24 Marriage and Family Therapist License Number LMFT 91502 to Beverly Denise Thomas-Marsh
25 (Respondent). The Licensed Marriage and Family Therapist License was in full force and effect
26 at all times relevant to the charges brought herein and will expire on January 31, 2020, unless
27 renewed.

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 4982 of the Code states, in pertinent part, that "[t]he board may deny a
5 license or registration or may suspend or revoke the license or registration of a licensee or
6 registrant if he or she has been guilty of unprofessional conduct."

7 5. Section 4990.33 states:

8 Notwithstanding any other law, except as provided in Section 4990.32, the
9 expiration, cancellation, forfeiture, or suspension of a license, registration, or other
10 authority to practice by operation of law or by order or decision of the board or a
11 court of law, the placement of a license on a retired status, or the voluntary
12 surrender of a license or registration by a licensee or registrant, of any license or
13 registration within the authority of the board, shall not deprive the board of
14 jurisdiction to commence or proceed with any investigation of, or action or
15 disciplinary proceeding against, the licensee or registrant or to render a decision
16 suspending or revoking the license or registration.

17 **STATUTORY/REGULATORY PROVISIONS**

18 6. Section 4982 of the Code states, in pertinent part:

19 The board may deny a license or registration or may suspend or revoke the
20 license or registration of a licensee or registrant if he or she has been guilty of
21 unprofessional conduct. Unprofessional conduct includes, but is not limited to, the
22 following:

23 ...

24 (d) Gross negligence or incompetence in the performance of marriage and
25 family therapy.

26 ...

27 (e) Violating, attempting to violate, or conspiring to violate any of the
28 provisions of this chapter or any regulation adopted by the board.

...

(i) Intentionally or recklessly causing physical or emotional harm to any
client.

...

1 (k) Engaging in sexual relations with a client, or a former client within two
2 years following termination of therapy, soliciting sexual relations with a client, or
3 committing an act of sexual abuse, or sexual misconduct with a client, or
4 committing an act punishable as a sexually related crime, if that act or solicitation
is substantially related to the qualifications, functions, or duties of a marriage and
family therapist.

5 COST RECOVERY

6 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 FACTUAL ALLEGATIONS

11 8. At all times relevant herein, Respondent was a Licensed Marriage and Family
12 Therapist practicing in Riverside, California under the business name, "Why Me? Counseling
13 Services, LLC."

14 9. On or about February 3, 2018, adult female patient CY and CY's sixteen-year-old
15 daughter NJ began receiving therapy from Respondent. CY and NJ participated in therapy
16 sessions with Respondent jointly and separately from one another.

17 10. During CY's and NJ's therapy sessions, Respondent made inappropriate and
18 excessive self-disclosures, including:

- 19 a. That Respondent "makes out" with her adult daughter in public and thinks it's
20 funny when people mistakenly believe they are a lesbian couple instead of mother
21 and daughter.
- 22 b. That Respondent allowed her granddaughter to suck on Respondent's nipples
23 while lying in bed with Respondent's husband.
- 24 c. That Respondent was repeatedly sexually abused as a child by her mother's
25 boyfriends.
- 26 d. That Respondent witnessed her mother being physically abused by her father.
- 27 e. That Respondent witnessed her mother being sexually abused by different men.

1 f. That Respondent must refer sexually abused clients to other therapists because
2 she will hunt and shoot the perpetrator.

3 g. That Respondent has shot at someone, but missed.

4 h. That Respondent provided CY and NJ a copy of Respondent's book, "Why Me?"

5 i. That Respondent showed NJ text messages between Respondent and
6 Respondent's children.

7 11. Many of Respondent's self-disclosures were made to NJ in therapy sessions outside
8 of CY's presence and without CY's knowledge.

9 12. Sometime in 2018, during a therapy session, Respondent expressed a desire to take a
10 photograph of NJ, raised her phone in a manner consistent with such an action, and then
11 expressed the withdrawal of her intention to photograph NJ. NJ did not know whether
12 Respondent had or had not actually photographed her.

13 13. During a therapy session with CY and NJ on or about April 21, 2018, in which
14 Respondent's self-disclosures included that she makes out with her daughter in public and that
15 Respondent allowed her granddaughter to suck on her nipples, Respondent repeatedly instructed
16 CY and NJ to kiss one another on the lips. When CY and NJ declined, Respondent moved over
17 to where they were sitting, sat on CY's lap and attempted to kiss NJ on the face. When NJ turned
18 away from Respondent, Respondent repeatedly kissed NJ's head. During the course of her
19 actions, Respondent also hugged NJ.

20 14. CY and NJ stopped attending therapy sessions after the session on or about April 21,
21 2018. CY reported the above to the Riverside Police Department and her insurance provider.

22 15. Shortly thereafter, CY and NJ sent a text message to Respondent asking why
23 Respondent kissed NJ. Respondent replied:

24 I'm so sorry [NJ]...the purpose for my show of affection was to assist you and
25 your mom in becoming comfortable soeing [sic] physical affection towards each
26 other. As a mom and grandma, I really did not expect you or mom to take that any
27 other way. Again, I am so sorry that I offended you and I hope you'll consider
28 coming back so we can talk more about it. Also, I really admire your being
forthcoming and sharing your concerns...always do that! I hope to see you soon!

1 16. On May 2, 2018, Respondent sent a formal letter to CY and NJ admitting to the kiss
2 and hugs, but claiming that they were appropriate parts of the therapy.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence/Incompetence)**

5 17. Respondent is subject to disciplinary action under Code section 4982, subdivision (d),
6 for unprofessional conduct, in that she committed acts of gross negligence or incompetence, as set
7 forth in paragraphs 8 through 16, which are incorporated herein.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Harm to Patient)**

10 18. Respondent is subject to disciplinary action under Code section 4982, subdivision (i),
11 for unprofessional conduct, in that she recklessly caused emotional harm to CY and NJ, as set
12 forth in paragraphs 8 through 16, which are incorporated herein.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Committing an Act of Sexual Abuse or Sexual Misconduct with a Patient)**

15 19. Respondent is subject to disciplinary action under Code section 4982, subdivision (k),
16 for unprofessional conduct, in that she committed acts of sexual abuse or sexual misconduct, as
17 set forth in paragraphs 8 through 16, which are incorporated herein.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Behavioral Sciences issue a decision:

21 1. Revoking or suspending Licensed Marriage and Family Therapist License Number
22 LMFT 91502, issued to Beverly Denise Thomas-Marsh;

23 2. Ordering Beverly Denise Thomas-Marsh to pay the Board of Behavioral Sciences the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: October 2, 2019



KIM MADSEN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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